

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**DEVERICK SCOTT
ADC # 131042**

PLAINTIFF

v.

No. 5:12-cv-229-DPM-JJV

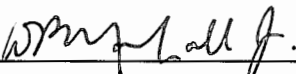
**RAY HOBBS, Director,
Arkansas Department of Correction**

DEFENDANT

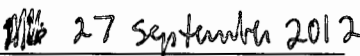
ORDER

The Court has considered Magistrate Judge Joe J. Volpe's amended and substituted proposed findings and recommendations, *Document No. 12*, and Scott's objections, *Document No. 13*. On *de novo* review, the Court adopts Judge Volpe's proposal as its decision. FED. R. CIV. P. 72(b)(3). Scott's objections do not remedy his failure to exhaust the available state remedies. Scott's petition for writ of habeas corpus, *Document No. 1*, is dismissed without prejudice. A certificate of appealability will not issue because Scott has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

So Ordered.



D.P. Marshall Jr.
United States District Judge



27 September 2012